

## RCRA INSPECTION FORM

HGBKY 05130

Report Prepared for:

Generator ☐Transporter ☒HWM (TSD) facility ☒Copy of report sent to the facility ☐

(1)

Facility InformationName: Gardner Asphalt CorpAddress: So. Tarrytown Ave  
Greenburgh, Hudson CountyEPA ID#: NTD000672127Date of Inspection: 12/1/82JAN 13 11 08 AM '83  
ENVI. PROT. AGENCY COLLECTION  
NEW YORK, N.Y. 10007Participating PersonnelState or EPA Personnel: Rich Dante  
NJDEPFacility Personnel: John Parzych - maintenance foreman  
John Cannon plant managerReport Prepared by Name: Rich DanteAgency: NTDEPTelephone #: ~~201~~ (201) 648-3669

Approved for the Director by: \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICEPLAINTIFF'S  
EXHIBIT

10

-A-

Summary of FindingsFacility Description and Operations

The facility makes Drive way sealants and cement coatings a hazardous wastes according to John Cannon is generated from this operation. The petroleum products used to make this material are all used up in the process. Asbestos is used as a reinforcement agent for the coatings the empty asbestos bags are disposed of by SSW waste.

Gardner Asphalt does not have any heat in the production building which caused drums of Product Drive way sealant to freeze last winter. The frozen sealant caused a separation (during thaw) in the product making it an off spec material. The company contacted SSW waste who contacted the DEP Technical staff on how this material can be disposed. The material was classified as a solid waste and has been approved to be disposed of in an ID. 27 landfill (industrial). (see enclosed correspondence)

Describe the activities that result in the generation of hazardous waste. Not hazardous waste

1. Asbestos is used as a fibrous reinforcement agent for cements and other coatings
2. Drive way sealer is off spec material which had froze last winter causing a separation in the product when it thawed. This material can not be sold as a salable product due to the fact. Gardner Asphalt will take this material to a N.J. Industrial Landfill. (I.D. 27)

Identify the hazardous waste located on site, and estimate the approximate quantities of each. (Identify Waste Codes)

1. Asbestos empty bags - 3 large 6ml thick trash bags filled with empty bags of Asbestos.
2. Frozen Drums of Drive way sealer unsuitable for sale - approx 4,000 5 gallon and 55 gallon Drums

Both items above do not have E.P.A waste codes they are considered a solid waste (see attached letters).

-C-

Is there reason to believe that the facility has hazardous waste on-site?

*NO only solid waste  
on site*

- a. If yes, what leads you to believe it is hazardous waste?  
Check appropriate boxes:

- ☐ Company admits that its waste is hazardous during the inspection.
- ☐ Company admitted the waste is hazardous in its RCRA notification and/or Part A Permit Application.
- ☐ The waste material is listed in the regulations as a hazardous waste from a nonspecific source (§261.31)
- ☐ The waste material is listed in the regulations as a hazardous waste from a specific source (§261.32)
- ☐ The material or product is listed in the regulations as a discarded commercial chemical product (§261.33)
- ☐ Testing has shown characteristics of ignitability, corrosivity, reactivity or extraction procedure toxicity, or has revealed hazardous constituents (please attach analysis report)
- ☐ Company is unsure but there is reason to believe that waste materials are hazardous. (Explain)

ORIGINAL  
PFE

## Transporter Inspection Report Form

40 CFR Part 263 Transporter Standards

|  | YES | NO                                  | N/A                                 |
|--|-----|-------------------------------------|-------------------------------------|
| 263.10 - Does the transporter carry hazardous waste?   |     | <input checked="" type="checkbox"/> |                                     |
| 263.12 - Does the transporter store hazardous waste at a transfer facility - if yes, how long?                           |     | <input checked="" type="checkbox"/> |                                     |
| 10 days or less  |     |                                     |                                     |
| more than 10 days (complete TSD form)  |     |                                     |                                     |
| 263.20 - <u>Manifest System</u>  |     |                                     |                                     |
| 1) Does the transporter have a copy for each manifest shipment of hazardous waste?                                       |     |                                     | <input checked="" type="checkbox"/> |
| 2) Does a representative portion of the manifests show the following information (if no, circle the missing information) |     |                                     | <input checked="" type="checkbox"/> |
| o Generator's name, address, telephone and EPA I.D. numbers, signature and date of signature                             |     |                                     | <input checked="" type="checkbox"/> |
| o Transporter's name, EPA I.D. number, signature and date of signature   |     |                                     | <input checked="" type="checkbox"/> |
| o TSDF's name, address and EPA I.D. Number   |     |                                     | <input checked="" type="checkbox"/> |
| and either the signature and date of the TSDF or the name, EPA I.D., signature and date of the next transporter.         |     |                                     | <input checked="" type="checkbox"/> |
| o Manifest Document number   |     |                                     | <input checked="" type="checkbox"/> |
| o Proper DOT shipping description  |     |                                     | <input checked="" type="checkbox"/> |
| o Quantity & type of containers  |     |                                     | <input checked="" type="checkbox"/> |
| (If no, to any of the above obtain copies of incomplete manifests).  |     |                                     |                                     |
| 3) Based on available information, do all manifests conform to the hazardous waste shipments made? If no, explain        |     |                                     | <input checked="" type="checkbox"/> |
| 262.22 - Have records been kept since November 19, 1980?   |     |                                     | <input checked="" type="checkbox"/> |
| 263.30 - Has there ever been a spill or discharge of hazardous waste during transportation?                              |     |                                     | <input checked="" type="checkbox"/> |
| If yes, was the incident report submitted to DOT? (obtain copy of the report)  |     |                                     | <input checked="" type="checkbox"/> |
| 263.31 - If there was any spill or discharge of hazardous waste, was it cleaned up? If no, explain.                      |     |                                     | <input checked="" type="checkbox"/> |

General Comments:

see comment sheet

HAZARDOUS WASTE MANAGEMENT FACILITY CHECK LIST  
(Facilities Subject to 40 CFR 265 Standards)

YES   NO   N/A

40 CFR Part 265 Subpart B General Facility Standards

265.13-General Waste Analysis

- 1) Is there a detailed chemical and physical analysis of a representative sample of the waste or each waste?  
(At a minimum this analysis must contain all the information necessary for proper management of the waste)

✓ — —

- 2) Does the character of the waste handled at the facility change from day to day, week to week, etc., thus requiring frequent testing?  
You may check only one

Waste characteristics vary \_\_\_\_\_  
All waste are basically the same ✓  
Company treats all waste as hazardous \_\_\_\_\_

- 3) Is there a written waste analysis plan at the facility?

✓ — —

Does it contain the following:

- a) Parameters for each waste to be analyzed and the rationale for the selection of these parameters.  
b) Test methods used to test these parameters.  
c) Sampling methods to obtain a representative sample of the waste to be analyzed.  
d) Frequency of repeated analysis to ensure accurate and current information.

✓ — —

✓ — —

✓ — —

✓ — —

- 4) Does hazardous waste come to this facility from an outside source? e.g. another generator.

— — ✓

- 5) If waste comes from an outside source, are there procedures in the plan to insure that waste received conforms to the accompanying manifest?

— — — ✓

265.14-Security

- 1) Is there: a) a 24-hour surveillance system? or,  
b) a suitable barrier which completely surrounds the active portion of this facility?  
2) Are there "Danger-Unauthorized Personnel Keep Out" signs posted at each entrance to the facility?

✓ — —

✓ — —

If no, explain what measures are taken for security.

265.15 - General Inspections Requirements

- 1) Does the facility have a written inspection schedule?  
2) Does the schedule identify the types of problems to be looked for and the frequency of inspections?  
3) Does the owner/operator record inspections in a log?  
4) Is there evidence that problems reported in the inspection log have been remedied?

— — — ✓

— — —

— — —

— — —

If no, please explain.

265.16 - Personnel Training

YES NO N/A

- 1) Have facility personnel successfully completed a program of classroom instruction or on-the-job training within 6 months of having been employed?

✓ — —

If yes, have facility personnel taken part in an annual review of training?

✓ — —

- 2) Is there written documentation of the following:

— job title for each position at the facility related to hazardous waste management and the name of the employee filling each job?

— ✓ —

— type and amount of training to be given to personnel in jobs related to hazardous waste management?

— ✓ —

— actual training or experience received by personnel?

— ✓ —

- 3) Are training records kept on all employees for at least 3 years?

— ✓ —

265.17 - General Requirements for Ignitable, Reactive or Incompatible Wastes

- 1) Are there ignitable, reactive or incompatible wastes on site?

— — ✓

If yes, what are the approximate types and quantities and location of the waste.

- 2) Have precautions been taken to prevent accidental ignition or reaction of ignitable or reactive waste?

— — ✓

If no, please explain.

- 3) In your opinion, are proper precautions taken so that these wastes do not:

— generate extreme heat or pressure, fire or explosion, or violent reaction?

— — ✓

— produce uncontrolled toxic mist, fumes, dusts or gases in sufficient quantities to pose a risk of fire or explosions?

— — ✓

— damage the structural integrity of the device or facility containing the waste?

— — ✓

— threaten human health or the environment?

— — ✓

40 CFR 265 - Subpart C - Preparedness and Prevention

265.32 Does the facility comply with preparedness and prevention requirements including maintaining:

- an internal communications or alarm system?
- a telephone or other device to summon emergency assistance from local authorities?
- portable fire equipment?
- water at adequate volume and pressure to supply water hose streams, foam producing equipment, etc.

YES NO N/A

☒ ☐ ☐

☒ ☐ ☐

☒ ☐ ☐

☒ ☐ ☐

265.33 Is equipment tested and maintained?

☒ ☐ ☐

265.34 Is there immediate access to communications or alarm systems during handling of hazardous waste?

☒ ☐ ☐

265.35 Adequate aisle space?

☐ ☐ ☒

If no, please explain storage pattern.

In your opinion, do the types of waste on-site require all of the above procedures, or are some not needed: Explain.

*only asbestos waste on site and off spec driveway sealer*

☐ ☒ ☐

40 CFR 265 - Subpart D - Contingency Plan and Emergency Procedures

Does the facility have a written contingency plan for emergency procedures designed to deal with fires, explosions or any unplanned release of hazardous waste?

☐ ☒ ☐

1) Does the plan describe arrangements made with the local authorities?

☐ ☒ ☐

2) Has the contingency plan been submitted to the local authorities?

☐ ☒ ☐

3) Does the plan list names, addresses and phone numbers of Emergency Coordinators?

☐ ☒ ☐

4) Does the plan have a list of what emergency equipment is available?

☐ ☒ ☐

5) Is there a provision for evacuating facility personnel?

☐ ☒ ☐

6) Was there an emergency coordinator present or on call at the time of the inspection?

☐ ☒ ☐

40 CFR 265 Subpart E-Manifest System, Recordkeeping and Reporting

265.71 - Use of the Manifest

1) Has the facility received hazardous waste from an off-site source since November 19, 1980?

☐ ☒ ☐

If no, skip to 265.73 - Operating Record

2) If yes, does it appear that the facility has a copy of a manifest for each hazardous waste load received?

☐ ☐ ☒

If not, please explain.



YES NO N/A

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3) How many post-November 19 manifests does the facility have?  
(Estimate if the number is large) 2670

4) Does each manifest have the following information?  
(circle missing information)

- a manifest document number? ☒
- the generators name, mailing address, telephone number and EPA I.D. #? ☒
- the transporters name and EPA I.D. Number? ☒
- the TSD name, address, telephone number & EPA I.D. Number? ☒
- a description of the waste (DOT)? ☒
- the total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle? ☒
- a certification that the materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation under regulations of the DOT and EPA? ☒

(Obtain a copy of the incomplete manifests)

265.72 - Manifest Discrepancies

Have there been significant discrepancies between the quantity and type of waste received and the waste identified on the manifest?

Describe unreconciled discrepancies.

265.73 - Operating Record

- 1) Does the facility keep an operating record? ☒
- 2) Does the record contain the following information:
  - a) Description and quantity of waste on-site and the method(s) and date(s) of its Treatments, Storage & Disposal? ☒
  - b) The location and quantity of each hazardous waste at each location? ☒
  - c) Records and results of waste analysis and trial tests performed and identified in the waste analysis plan? ☒
  - d) Summary reports and details of all incidents that require implementing the contingency plan. ☒
  - e) Records and results of inspections for the past 3 years or November 19, 1980 which ever is less? ☒
  - f) Monitoring, testing or analytical data where required for:
    - Groundwater, Land Treatment, Incinerators, and Thermal Treatment? ☒

265.76 - Unmanifested Waste Report

Has the facility accepted hazardous waste from off-site sources without a manifest?

If yes, has the facility submitted an unmanifested waste report?

40 CFR 265 Subpart F - Groundwater Monitoring

YES NO N/A

(Applies only to surface impoundments, landfills and/or land treatment facilities.)

Is a groundwater monitoring plan available at the facility?

— — ☒

If yes, please fill out the appropriate Groundwater Monitoring Questionnaire and attach to this report.

40 CFR 265 Subpart G - Closure and Post-Closure

265.111 Closure Performance Standard

Have any portions of the facility been closed since November 19, 1980?

— ☒ —

If yes, please explain

265.112 - Closure Plan

Does the facility have a written closure plan?  
(Applies to all types of TSD facilities)

— ☒ —

If yes, does the written plan include:

1. A description of how and when the facility will be partially (if applicable) and ultimately closed?
2. An estimate of the maximum inventory of wastes in storage or treatment at any time during the life of the facility?
3. A description of the steps necessary to decontaminate facility equipment during closure?
4. A schedule for final closure including the anticipated date when waste will no longer be received and when final closure will be completed?
5. Does the owner/operator have a written estimate of the cost of closing the facility?

— ☒ —  
— ☒ —  
— ☒ —  
— ☒ —  
— ☒ —

If yes, what is it? (\$)

265.118 - Post Closure Plan

Does the facility have a written post-closure plan?  
(Applies only to disposal facilities)

— — ☒

If yes, Does the Plan:

1. Identify the activities which will be carried on after closure and the frequency of these activities?
2. Include a description of planned groundwater monitoring activities and their frequency during post-closure?
3. Include a description of planned maintenance activities and frequency to insure integrity of final cover during post-closure?
4. Include the name, address and phone number of a person or office to contact during post-closure?
5. Does the owner/operator have a written estimate of the cost of post-closure for the facility?

— — —  
— — —  
— — —  
— — —  
— — —

If yes, what is it? (\$)

Please circle all appropriate activities and answer questions on indicated pages for all activities circled.

| <u>Storage</u>              | <u>Treatment</u>                                    | <u>Disposal</u>             |
|-----------------------------|---|-----------------------------|
| Container - pg 6            | Tank - pg 7   | Landfill - pg 11            |
| Tank, above ground-pg 7     | Surface Impoundment-pg 8                            | Land Treatment - pg 10      |
| Tank, below ground-pg 7     | Incineration - pg 12                                | Surface Impoundments - pg 8 |
| Surface Impoundments-pg 8   | Thermal Treatment-pg 12                             | Other _____                 |
| Waste Piles - pg 9          | Land Treatment - pg 10                              |                             |
| Other _____                 | Chemical, Physical and Biological Treatment - pg 13 |                             |
| only IO-27<br>waste on site | Other _____   |                             |

YES NO N/A

40 CFR 265 - Subpart I - Containers

- 1) - What type of containers are used for storage.  
Describe the size, type, quantity and nature of waste  
(e.g. 12 fifty-five gallon drums of waste acetone)
  
- 2) - Is there a containment system for spills, leaks and precipitation?  
If yes, describe.
  
- 265.171 - Do the containers appear to be in good condition, not in danger of leaking?  
If not, please describe the type, condition and number of leaking or corroded containers. Be detailed and specific.
  
- 265.172 - Are hazardous waste stored in containers made of compatible materials?  
If not, please explain.
  
- 265.173(a) - Are all containers closed except those in use?
- 265.173(b) - Do containers appear to be properly opened, handled or stored in a manner which will minimize the risk of the container rupturing or leaking?
- 265.174 - Is the storage area inspected at least weekly?
- 265.176 - Are containers holding ignitable and reactive waste located at least 50 feet (15 meters) away from the facility's property line?
- 265.177 - Are incompatible wastes stored separate from each other?  
If no, explain